

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

H. THOMAS MORAN, II, : Case No. 3:05-cv-72

Plaintiff, : District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

- VS - :

DAVID W. SVETE, *et al.*, :

Defendants. :

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S
"EMERGENCY MOTION FOR STAY AND/OR CONTINUANCE" (DOC. #188)**

Presently before the Court is Defendant David W. Svete's "Emergency Motion for Stay and/or Continuance," which was delivered to prison officials on March 27, 2012 and filed with this Court on April 12, 2012. Doc. 188. This is Defendant's second request for a 90-day stay of all proceedings in this case filed within the past month. *See* doc. 184. In ruling on Defendant's first request, the Court found that Defendant's motion lacked the proper documentation to warrant completely halting these proceedings -- which, the Court notes, have been ongoing for the past eight years. *See* doc. 185. The Court finds Defendant's most recent request, however, to be properly supported.

In his most recent request, Defendant has provided the Court with a document entitled "Bureau of Prisons Health Services Medical Duty Status." Doc. 188-9, PageID 2251. This document, authored by Brian Alexander, PA-C of the Bureau of Prisons Health Services Staff, indicates that Defendant is medically restricted from doing any work or lifting with his right arm until May 31, 2012. *Id.* Defendant has previously represented to this Court that he is right-hand

dominant, and thus writes with his right hand. Doc. 184, PageID 2201. Accordingly, based upon the medical record attached to Defendant's motion, the Court finds Defendant's motion to stay these proceedings to be meritorious through May 31, 2012. Defendant's request for a stay beyond May 31, 2012 is unsupported.

Based upon the foregoing, the Court **GRANTS IN PART AND DENIES IN PART** Defendant's motion to stay these proceedings (doc. 188) as follows: Defendant's motion to stay these proceedings through May 31, 2012 is **GRANTED**; Defendant's motion is **DENIED** to the extent it seeks a stay beyond May 31, 2012.

Therefore, the Court **ORDERS ALL PROCEEDINGS IN THIS CASE STAYED UNTIL MAY 31, 2012.**

IT IS SO ORDERED.

April 17, 2012

s/ **Michael J. Newman**
United States Magistrate Judge